

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

JEFFREY A. LENIG,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 2:11-CV-186-TLS
)	
JOSHUA SPONAUGLE, in his official)	
capacity as Starke County Sheriff's Deputy,)	
OSCAR COWEN, Jr., in his official)	
capacity as Sheriff of Starke County,)	
JIM GASKILL, in his official capacity as)	
Porter County Sheriff's Deputy, DAVID)	
LAIN in his official capacity as Sheriff of)	
Porter County,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the Plaintiff's Motion and Brief for Relief from Judgment Pursuant to FRCP 60(b)(4) and (6) [ECF No. 56], filed by Plaintiff on July 1, 2013. On July 9, 2013, Defendants filed a response. No reply has been filed and the time to do so has passed.

A judge may refer a dispositive matter to a magistrate judge for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and Northern District of Indiana Local Rule 72-1(b). On November 20, 2013, this Court assigned Magistrate Judge John E. Martin to prepare a report and recommendation on the pending motion.

This Court's review of the Magistrate's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate. The judge may also receive

further evidence or recommit the matter to the magistrate judge with instructions.

The statute also requires objections to the Magistrate Judge's Report and Recommendation to be made within fourteen days of service of a copy of the Report. *Id.* § 636(b)(1)(C).

Because the parties have not filed any objections to the Magistrate Judge's Report, de novo review is not required. This Court finds that the Magistrate Judge has correctly resolved the issues raised by the Plaintiff's motion. Therefore, the Court accepts the Magistrate Judge's Report and Recommendation on the Plaintiff's Motion and Brief for Relief from Judgment Pursuant to FRCP 60(b)(4) and (6) [ECF No. 56].

CONCLUSION

For the foregoing reasons, the Magistrate Judge's Report and Recommendation [ECF No. 59] is ACCEPTED, and the Plaintiff's Motion to Alter Judgment [ECF No. 56] is DENIED. The Clerk will enter judgment in favor of the Defendant and against the Plaintiff.

SO ORDERED on March 4, 2014.

s/ Theresa L. Springmann
THERESA SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION